

# **EXHIBIT 3**

<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE EASTERN DISTRICT OF VIRGINIA</p> <p>3 Richmond Division</p> <p>4</p> <p>5 -----+   6 ePLUS iNC.,     7 Plaintiff,     8 Civil Action No. vs.   3:09-CV-620 (JRS)   9 LAWSON SOFTWARE, INC.,     10 Defendant.     11 -----+   12 Videotaped 30(b)(6) Deposition of 13 LAWSON SOFTWARE, INC. 14 BY AND THROUGH ITS REPRESENTATIVE 15 JEFFREY L. HVASS 16 Washington, DC 17 June 8, 2010 18 10:00 a.m. 19 20 Job No. 1-180349 21 Pages 1 - 252 22 Reported by: Michele E. Eddy, RPR, CRR, CLR</p>	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF:</p> <p>4 MICHAEL STRAPP, ESQUIRE</p> <p>5 Goodwin Procter</p> <p>6 Exchange Place</p> <p>7 53 State Street</p> <p>8 Boston, Massachusetts 02109</p> <p>9 Telephone: (617) 570-1658</p> <p>10 - AND -</p> <p>11 JAMES D. CLEMENTS, ESQUIRE</p> <p>12 JENNIFER A. ALBERT, ESQUIRE</p> <p>13 Goodwin Procter</p> <p>14 901 New York Avenue, Northwest</p> <p>15 Washington, DC 20001</p> <p>16 Telephone: (202) 346-4000</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p>1 Videotaped Deposition of</p> <p>2 JEFFREY L. HVASS</p> <p>3</p> <p>4 Held at the offices of:</p> <p>5 GOODWIN PROCTER, LLP</p> <p>6 901 New York Avenue, Northwest</p> <p>7 Washington, DC 20001</p> <p>8 (202) 346-4000</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 Pursuant to Notice, before Michele E. Eddy,</p> <p>17 Registered Professional Reporter, Certified Realtime</p> <p>18 Reporter, and Notary Public in and for the District of</p> <p>19 Columbia.</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 ATTENDANCE, Continued</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT:</p> <p>4 WILLIAM D. SCHULTZ, ESQUIRE</p> <p>5 Merchant &amp; Gould</p> <p>6 3200 IDS Center</p> <p>7 80 South Eighth Street</p> <p>8 Minneapolis, Minnesota 55402</p> <p>9 Telephone: (612) 332-5300</p> <p>10</p> <p>11 ALSO PRESENT:</p> <p>12 David Bayles, Videographer</p> <p>13 Brooks L. Hilliard, CMC, CCP</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

<p>5</p> <p>1 EXAMINATION INDEX</p> <p>2 PAGE</p> <p>3 EXAMINATION BY MR. STRAPP . . . . . 7, 209</p> <p>4 EXAMINATION BY MR. SCHULTZ . . . . . 188, 235</p> <p>5</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 (Attached to the Transcript)</p> <p>10 DEPOSITION EXHIBIT PAGE</p> <p>11 Exhibit 1 ePlus' Fifth Notice of Deposition 9</p> <p>12 Exhibit 2 Deposition Points 29</p> <p>13 Exhibit 3 e-mail sent to Jeff Hvass dated 6-3-10 75</p> <p>14 from Bob Geiger; re: ePlus patent</p> <p>15 litigation-6.1 RQ program compiled</p> <p>16 information</p> <p>17 Exhibit 4 Letter from Attorney Schultz to Jeff 182</p> <p>18 Hvass dated 5-27-10</p> <p>19 Exhibit 5 Screen shots 218</p> <p>20 Exhibit 6 109-page document; WIP60_mod.txt 223</p> <p>21 Exhibit 7 Document, Support_mod.txt 229</p> <p>22 Exhibit 8 Document, Cyclical_mod.txt 232</p>	<p>7</p> <p>1 Would the reporter please swear in the</p> <p>2 witness.</p> <p>3 PROCEEDINGS</p> <p>4 JEFFREY L. HVASS,</p> <p>5 having been duly sworn, testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>7 BY MR. STRAPP:</p> <p>8 Q Mr. Hvass, could you please state your full</p> <p>9 name for the record?</p> <p>10 A It's Jeffrey Lee Hvass, H-V-A-S-S.</p> <p>11 Q What is your current address?</p> <p>12 A My current address is 3493 Crestmoor Point</p> <p>13 in Woodbury, Minnesota, 55125.</p> <p>14 Q And are you currently employed by Lawson</p> <p>15 Software?</p> <p>16 A Yes, I am.</p> <p>17 Q What is your current title there?</p> <p>18 A I'm a solution consultant for our services</p> <p>19 industries.</p> <p>20 Q Do you understand today that I'm going to be</p> <p>21 asking questions and you're going to be providing</p> <p>22 answers during this deposition?</p>
<p>6</p> <p>1 THE VIDEOGRAPHER: Here begins tape number 1</p> <p>2 in today's deposition of Jeff Hvass in the matter of</p> <p>3 ePlus, Inc. V. Lawson Software, Inc. in the United</p> <p>4 States District Court for the Eastern District of</p> <p>5 Virginia, Richmond Division, Civil Action Number</p> <p>6 3:09-CV-620 REP.</p> <p>7 Today's date is June 8th, 2010. The time is</p> <p>8 10:08 a.m. The videographer is David Bayles. This</p> <p>9 deposition is taking place at 901 New York Avenue,</p> <p>10 Northwest, in Washington, D.C.</p> <p>11 Counsel, please voice identify yourselves</p> <p>12 and state whom you represent.</p> <p>13 MR. STRAPP: Michael Strapp with Goodwin</p> <p>14 Procter for the plaintiff ePlus.</p> <p>15 MR. CLEMENTS: Jimmy Clements, Goodwin</p> <p>16 Procter, plaintiff ePlus.</p> <p>17 MS. ALBERT: Jennifer Albert with Goodwin</p> <p>18 Procter for the plaintiff ePlus.</p> <p>19 MR. SCHULTZ: William Schultz of Merchant &amp;</p> <p>20 Gould for Lawson Software, Incorporated.</p> <p>21 THE VIDEOGRAPHER: The court reporter is</p> <p>22 Michele Eddy of Merrill L.A.D.</p>	<p>8</p> <p>1 A Yes.</p> <p>2 Q And do you understand that you're under an</p> <p>3 obligation to provide truthful and honest answers just</p> <p>4 as you would be in a court of law?</p> <p>5 A Yes.</p> <p>6 Q If any of my questions are unclear, I will</p> <p>7 ask you to let me know, but if you -- but if you</p> <p>8 answer my questions, I will assume that you understood</p> <p>9 them. Is that fair?</p> <p>10 A That is fair.</p> <p>11 Q And if you need to take a break, let me</p> <p>12 know. But if a question is pending, I'll ask you to</p> <p>13 please answer the question.</p> <p>14 You also need to answer the questions</p> <p>15 verbally because the court reporter will be taking</p> <p>16 down everything that we say today. Understood?</p> <p>17 A Understood.</p> <p>18 Q Is there any reason that you feel you would</p> <p>19 be unable to give me truthful and accurate answers</p> <p>20 today to my questions?</p> <p>21 A No.</p> <p>22 Q Have you ever been deposed before?</p>

<p style="text-align: right;">177</p> <p>1 module we're looking at for Lawson 6.0?</p> <p>2 <b>A Requisition Self-Service used a shopping</b></p> <p>3 <b>basket concept. It also used an idea of segregating</b></p> <p>4 <b>items into categories. And that was something that we</b></p> <p>5 <b>had a purchase order.</b></p> <p>6 <b>When -- when Requisition Self-Service became</b></p> <p>7 <b>available, those categories became requisition lists.</b></p> <p>8 <b>So I could say corporate, here's my list for computer.</b></p> <p>9 <b>And I worked in the government sector, so we had</b></p> <p>10 <b>police items and we had maintenance items, and they</b></p> <p>11 <b>became -- you could click on that and then go right</b></p> <p>12 <b>into a specified list and just select items you want</b></p> <p>13 <b>and drop them right into the shopping basket.</b></p> <p>14 <b>Q So you could search by category in</b></p> <p>15 <b>Requisition Self-Service, by category of items?</b></p> <p>16 <b>A Well, those categories actually -- they</b></p> <p>17 <b>weren't a search. We predefined them. So you just</b></p> <p>18 <b>selected one -- say you were at a location and you had</b></p> <p>19 <b>office supplies and let's say non-stocked items. You</b></p> <p>20 <b>could click on those and it would just show you the</b></p> <p>21 <b>default items that were defined. And then you could</b></p> <p>22 <b>go into that list and click on the ones you wanted or</b></p>	<p style="text-align: right;">179</p> <p>1 you told them you can't use 9.0 anymore, we're going</p> <p>2 to have to switch you back to Lawson 5.0 or Lawson 6.0</p> <p>3 with respect to the procurement software, would that</p> <p>4 be okay for a customer today?</p> <p>5 <b>A An impossible -- excuse me, a customer would</b></p> <p>6 <b>not be happy with that functionality.</b></p> <p>7 MR. STRAPP: Why don't we take a five-minute</p> <p>8 break.</p> <p>9 THE VIDEOGRAPHER: Going off the record.</p> <p>10 The time is 3:19 p.m.</p> <p>11 (A brief recess was taken.)</p> <p>12 THE VIDEOGRAPHER: Back on the record. The</p> <p>13 time is 3:40 p.m.</p> <p>14 BY MR. STRAPP:</p> <p>15 Q Can you go back to the requisitions module</p> <p>16 in 6.0 that we were looking at, please.</p> <p>17 <b>A Okay, uh-hmm.</b></p> <p>18 Q All right. Now, can you run a search in the</p> <p>19 requisitions module for a particular description?</p> <p>20 <b>A I'm going to the item master file now and I</b></p> <p>21 <b>do a select and I get to pick which one I want. Say</b></p> <p>22 <b>it's item master. Then here I do a find as a function</b></p>
<p style="text-align: right;">178</p> <p>1 put a quantity and click add or just click add and it</p> <p>2 would drop them into the shopping cart.</p> <p>3 It also had the ability to suspend a</p> <p>4 shopping cart, which is something requisitions does</p> <p>5 not do as a shopping cart. It also could print from</p> <p>6 there, so we could print off in the requisition</p> <p>7 system. So I'm on a remote location, I want to print</p> <p>8 it, I print it locally.</p> <p>9 So it had a bunch more functionality than</p> <p>10 "standard" requisition, but the Requisition</p> <p>11 Self-Service also runs through RQ10 to actually create</p> <p>12 the record. So the RQ Self-Service had more</p> <p>13 functionality from a look and feel standpoint, but it</p> <p>14 also created the record from RQ10. You could do no</p> <p>15 more or no less from RQ10 from creating a final record</p> <p>16 in the system.</p> <p>17 Q But from the point of view of the user, it</p> <p>18 had a lot more different functionality than</p> <p>19 requisitions did?</p> <p>20 <b>A It was simpler.</b></p> <p>21 Q Do you think it would be acceptable to a</p> <p>22 Lawson customer today using Lawson Software 9.0, if</p>	<p style="text-align: right;">180</p> <p>1 key and then you can do the item description search</p> <p>2 right here. Like I would say I use item, and then I</p> <p>3 press enter and then it finds the first one with an</p> <p>4 item. And then the find next key for the next item,</p> <p>5 next item, next item.</p> <p>6 Q Okay, now, if you -- let's build a</p> <p>7 requisition with one of the -- with the first item</p> <p>8 that showed up after you ran that search.</p> <p>9 <b>A So I'm going to go back and I'm going to</b></p> <p>10 <b>clear the whole form out now. Do you want me to do a</b></p> <p>11 <b>search or just pick one?</b></p> <p>12 Q Why don't you do a search.</p> <p>13 <b>A Okay, I'll just do it on books here.</b></p> <p>14 Q Okay.</p> <p>15 <b>A So there's paperback books, I find it, I</b></p> <p>16 <b>press enter, type a quantity in and then I can at this</b></p> <p>17 <b>point -- do you want any more items at this point or</b></p> <p>18 <b>just to be finished with the requisition?</b></p> <p>19 Q Let's just be finished with the requisition.</p> <p>20 So you're building the requisition. Now</p> <p>21 that you've built the requisition, can you see the</p> <p>22 associated vendor with this particular item?</p>

<p style="text-align: right;">209</p> <p>1 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>2 BY MR. STRAPP:</p> <p>3 Q Okay. So we have some additional questions.</p> <p>4 We would like to introduce some additional exhibits as</p> <p>5 well.</p> <p>6 First, you were just asked by counsel for</p> <p>7 Lawson whether the functionality of the current</p> <p>8 versions of purchase order, inventory control and</p> <p>9 requisitions have changed since version 5. Do you</p> <p>10 recall being asked that question?</p> <p>11 A Yes.</p> <p>12 Q And is it fair to say that the functionality</p> <p>13 of those modules that Lawson purchased -- is it your</p> <p>14 testimony that the functionality of those modules</p> <p>15 within the procurement software that Lawson offers has</p> <p>16 not changed since version 5 in the early '90s?</p> <p>17 A It has had additional functions brought into</p> <p>18 it, but the -- the substance of creating a</p> <p>19 requisition, creating a purchase order, creating a</p> <p>20 receiver and creating a match business-wise are</p> <p>21 identical.</p> <p>22 Q So is it fair to say, then, that customers</p>	<p style="text-align: right;">211</p> <p>1 by Lawson, sorry, you can't use 9.0 anymore, you need</p> <p>2 to use the procurement modules for 5.0?</p> <p>3 A We have never done that for a client.</p> <p>4 Q And you never would, correct?</p> <p>5 A No, it wouldn't be good business practice.</p> <p>6 Q You testified just recently that Lawson 5.0</p> <p>7 has capability of search functionality within the</p> <p>8 requisitions module in the 5.0; is that correct?</p> <p>9 A That is correct.</p> <p>10 Q Could you pull up -- well, to clarify,</p> <p>11 there's two different versions of Lawson 5.0. There's</p> <p>12 -- that you would demonstrate today. One is the one</p> <p>13 running on UNIX Universe 2.0 from 1993 that has no</p> <p>14 data in inventory and item master, correct?</p> <p>15 A That is correct.</p> <p>16 Q So we can't go into that to build a</p> <p>17 requisition or search because there's no data,</p> <p>18 correct?</p> <p>19 A That is correct.</p> <p>20 Q So let's open up the version of 5.0 that's</p> <p>21 either the cyclical or support version running on UNIX</p> <p>22 Universe 2.1 from 1995, and if you could go into the</p>
<p style="text-align: right;">210</p> <p>1 of Lawson using Lawson 9.0, if they were told by</p> <p>2 Lawson that they needed to switch back to the</p> <p>3 procurement modules available in the early '90s with</p> <p>4 version 5.0 wouldn't have a problem since the basic</p> <p>5 functionality is the same?</p> <p>6 A The functionality would not cause them any</p> <p>7 issues. How it navigates and works on their current</p> <p>8 systems wouldn't even exist.</p> <p>9 Q In other words, they would not be able to</p> <p>10 use those systems today? Current customers of Lawson</p> <p>11 Software using version 9 would not be able to use</p> <p>12 Lawson Software 5.0 today, right?</p> <p>13 A They could if they had the existing hardware</p> <p>14 in the old operating systems.</p> <p>15 Q And are you aware of a single customer of</p> <p>16 Lawson Software that would be capable of running</p> <p>17 Lawson 5.0 today?</p> <p>18 A Not 5.0, but I do know of 6.0 ones, they do</p> <p>19 exist. Nothing in major number, but they still are</p> <p>20 there.</p> <p>21 Q And would it be an available and acceptable</p> <p>22 alternative for a customer using 9.0 today to be told</p>	<p style="text-align: right;">212</p> <p>1 requisitions module, I would like to see the search</p> <p>2 functionality you were describing.</p> <p>3 So are you now in the requisitions module</p> <p>4 for 5.0?</p> <p>5 A That is correct.</p> <p>6 MR. SCHULTZ: Jimmy, could we take a break?</p> <p>7 MR. STRAPP: Sure, let's go off the record</p> <p>8 for a minute, please.</p> <p>9 THE VIDEOGRAPHER: Going off the record.</p> <p>10 The time is 4:48 p.m.</p> <p>11 (Discussion off the record.)</p> <p>12 THE VIDEOGRAPHER: Back on the record. The</p> <p>13 time is 4:49 p.m.</p> <p>14 BY MR. STRAPP:</p> <p>15 Q All right. So we're now in requisitions</p> <p>16 module 5.0?</p> <p>17 A That is correct.</p> <p>18 Q All right. And can you demonstrate for me</p> <p>19 how to run a search here?</p> <p>20 A So you can go in and do a select and find</p> <p>21 your items and then put in a group number or</p> <p>22 description like ZEZ and find the item and then drop</p>